



Environment Committee  
Public Hearing  
January 31, 2011

Submitted by: Charles J. Rothenberger, Staff Attorney

**In Opposition To:**

**Raised Bill No. 839, AN ACT DEFINING BIOSOLIDS AS A CLASS I RENEWABLE ENERGY SOURCE**

*Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 6,500 members statewide. The mission of CFE is to protect and improve the land, air and water of Connecticut and Long Island Sound. For more than twenty-five years, CFE has used legal and scientific expertise to bring people together to achieve results that benefit our environment for current and future generations.*

Senator Meyer, Representative Roy and members of the Environment Committee, Connecticut Fund for the Environment offers this testimony in Opposition to Raised Bill No. 839, An Act Defining Biosolids as a Class I Renewable Energy Source.

Pursuant to Connecticut General Statutes Section 16-245a, Connecticut's Renewable Portfolio Standard ("RPS") requires each electric supplier and each electric distribution company to obtain an increasing minimum percentage of their retail load from renewable sources. By January 1, 2020, at least 23 percent of the retail load must come from renewable energy, with 20 percent being supplied from "Class I" renewable energy sources, as defined in Connecticut General Statutes Section 16-1 (a)(26), and an additional three percent coming from either "Class I" or "Class II" renewable energy sources, as defined in Connecticut General Statutes Section 16-1 (a)(27). An additional four percent of the total retail load must be supplied by "Class III" sources, which are essentially efficiency measures.

The purpose of the "Class I" category is to encourage the development and deployment of the cleanest, least polluting energy sources. The current definition of "Class I renewable energy

source” includes solar, wind, fuel cells, landfill methane, ocean thermal, wave and tidal power, run-of-the-river hydropower and certain limited sustainable biomass operations (subject to strict emissions limits). CFE believes that it is inappropriate to dilute the current definition of “Class I” renewable energy sources by including waste heat from public wastewater treatment plants. Such waste heat is already included in the state’s renewable portfolio standard as a “Class III” source as defined in Connecticut General Statutes Section 16-1 (a)(44). That subdivision defines a “Class III source” as, inter alia, “a waste heat recovery system installed on or after April 1, 2007, that produces waste heat or pressure from industrial or commercial processes.”

As a more general proposition, CFE believes that it is important to maintain stability and consistency in the statutory definitions of renewable energy resources in the state. The definitions pertaining to “Class I” and “Class II” renewable resources were first adopted in 1998. They have subsequently been amended five times: in 2001, 2003, 2006, 2007 and 2008.<sup>1</sup> Several other unsuccessful attempts have been made, on nearly an annual basis, to expand the “Class I” definition to include resources already covered in either the “Class II” or “Class III” categories. Such lack of consistency undermines the goals of the Renewable Portfolio Standard and runs the risk of limiting investment in the development of renewable energy generation.

In fact, precisely this point was made by the Commissioner of the Connecticut Department of Public Utility Control (“DPUC”) in testimony delivered to the Energy and Technology Committee on February 17, 2009, as that Committee considered a similar bill to expand the definition of “Class I renewable energy source” to include energy derived from the combustion or gasification of biosludge or biosolids. The Commissioner concluded his testimony in opposition to that bill by urging the legislature “to refrain from further refinements to the renewable definition so that developers and the renewable energy marketplace can see some stability.”

CFE echoes the DPUC’s concern and urges the committee to reject Raised Bill No. 839.

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<sup>1</sup> The “Class III” renewable energy source was added during the June 2005 Special Session (the category was later amended in 2007 to delete “renewable” from the category title).